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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/720,821	11/24/2003	Douglas B. Wilson	114089.120	5355
23483	7590	01/13/2006		
WILMER CUTLER PICKERING HALE AND DORR LLP 60 STATE STREET BOSTON, MA 02109			EXAMINER LUONG, VINH	
			ART UNIT 3682	PAPER NUMBER

DATE MAILED: 01/13/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/720,821	<b>Applicant(s)</b> WILSON, DOUGLAS B.	
	<b>Examiner</b> Vinh T. Luong	<b>Art Unit</b> 3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 December 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 20-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
Vinh T. Luong  
Primary Examiner

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/28/05</u> . | 6) <input checked="" type="checkbox"/> Other: <u>Attachments 1-3</u> .                  |

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1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on December 2, 2005 has been entered.
2. The drawings are objected to because each part of the invention, e.g., the angle and the face in claim 20 should be designated by a referential numeral or character.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the angle in claim 20 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.
4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, such as, "an angle," "a plane," and "a face" in claim 1. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction is required.
5. The disclosure is objected to because of the following informalities: each part of the invention, e.g., the angle and the face in claim 20 should be designated by a referential numeral or character. Appropriate correction is required.
6. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
7. Claims 20-26 and 28/20 are rejected under 35 U.S.C. 102(b) as being anticipated by Van Arsdel (US Patent No. 2,118,540).

Regarding claim 20, Van Arsdel teaches a fatigue relieving/preventing apparatus associated with a steering wheel 3 for controlling a vehicle comprising:

a first section 4 (i.e., horizontal section in Fig. 3) that connects to a peripheral portion 3 of the steering wheel 3; and

a second section 2 (i.e., upward section in Figs. 3 and 5) that connects to and extends from the first section 4 at the peripheral portion 3 of the steering wheel 3, the second section 2 extends from the first section 4 outward at an angle (see angle  $\alpha$  in Figs. 3 and 5 of the Attachment 1) to a plane (Att. 1) across a face to the steering wheel 3, with the second section 2 inherently for supporting at least a portion of a vehicular operator's body (e.g., the hand as seen

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in Figs. 1 and 2) when pressure from the portion of the vehicular operator's body on the second section 2 is less than the pressure for deforming the second section 2 out of interference with the vehicular operator's ability to operate the steering wheel 3, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel 3. *Ibid.*, right column on page 1, lines 29-54.

Regarding claim 21, the second section 2 is inherently deformable in at least one direction when deforming pressure is applied to such second section 2. Note that virtually anything will be deformed if enough pressure is applied to it. See the term “flexible” in *Fredman v. Harris-Hub Co., Inc.*, 163 USPQ 397 (DC 1969).

Regarding claim 22, the second section 2 supports a portion of the vehicular operator's body when pressure from such body portion is applied in at least one direction.

Regarding claim 23, the steering wheel includes a steering wheel for controlling at least a nautical vessel, an aircraft, or a ground transportation vehicle.

Regarding claim 24, the second section 2 will inherently return to an original first position after deforming pressure is removed therefrom.

Regarding claim 25, the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

Regarding claim 26, the first section 4 extends a length of a predetermined peripheral portion of the steering wheel 3.

Regarding claim 28/20, the first section 4 is inherently deformable. See the term

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“flexible” in *Fredman v. Harris-Hub Co., Inc., supra*.

8. Claims 20-26 and 28/20 are rejected under 35 U.S.C. 102(b) as being anticipated by Anson (US Patent No. 2,134,020).

Regarding claim 20, Anson teaches a fatigue relieving/preventing apparatus associated with a steering wheel 10 for controlling a vehicle comprising:

a first section 13 that connects to a peripheral portion of the steering wheel 10;

a second section 11 extends from the first section at the peripheral portion of the steering wheel 10, the second section 11 extends from the first section 13 outward at an angle (see angle  $\alpha$  in Fig. 8 of Attachment 2) to a plane (Att. 2) across a face (Att. 2) to the steering wheel 3, the second section 11 inherently for supporting at least a portion of a vehicular operator's body (e.g., the hand) when pressure from the portion of the vehicular operator's body on the second section 11 is less than the pressure for deforming the second section 11 out of interference with the vehicular operator's ability to operate the steering wheel 10, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 10 when pressure from the portion of the vehicular operator's body on the second section 11 is equal to or greater than the pressure for deforming the second section 11 out of interference with the vehicular operator's ability to operate the steering wheel 10.

Regarding claim 21, the second section 11 is deformable in at least one direction when deforming pressure is applied to such second section 11 since it is made of a flexible material such as rubber. *Ibid.*, right column on page 1, lines 46-53. On the other hand, note that virtually anything will be deformed if enough pressure is applied to it. See the term “flexible” in *Fredman v. Harris-Hub Co., Inc., supra*.

Regarding claim 22, the second section 11 supports a portion of the vehicular operator's body when pressure from such body portion is applied in at least one direction.

Regarding claim 23, the steering wheel 10 includes a steering wheel for controlling at least a nautical vessel, an aircraft, or a ground transportation vehicle.

Regarding claim 24, the second section 11 will return to an original first position after deforming pressure is removed therefrom since it is made of a flexible material such as rubber. *Ibid.*, right column on page 1, lines 46-53.

Regarding claim 25, the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

Regarding claim 26, the first section 13 extends a length of a predetermined peripheral portion of the steering wheel 10.

Regarding claim 28/20, the first section 13 is deformable since it is made of a flexible material such as rubber. *Ibid.*, left column on page 2, lines 19-34. See also the term "flexible" in *Fredman v. Harris-Hub Co., Inc.*, *supra*.

9. Claims 20, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Laubach (US Patent No. 1,575,848).

Regarding claim 20, Laubach teaches a fatigue relieving/preventing apparatus associated with a steering wheel 1 for controlling a vehicle comprising:

a first section 7, 8 that connects to a peripheral portion of the steering wheel 1;

a second section 10 that connects to, and extends from, the first section 7, 8 at the peripheral portion of the steering wheel 1, the second section 10 extends from the first section 7, 8 outward at an angle (see angle  $\alpha$  in Fig. 2 of the Attachment 3) to a plane (Att. 3) across a face

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(Att. 3) to the steering wheel 1, the second section 10 inherently for supporting at least a portion of a vehicular operator's body (e.g., the hand) when pressure from the portion of the vehicular operator's body on the second section 10 is less than the pressure for deforming the second section 10 out of interference with the vehicular operator's ability to operate the steering wheel 1, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 1 when pressure from the portion of the vehicular operator's body on the second section 10 is equal to or greater than the pressure for deforming the second section 10 out of interference with the vehicular operator's ability to operate the steering wheel 1.

Regarding claim 27, the second section 10 includes at least two second sections 10 that each connect to the first section 7, 8 at separate locations (by comparing Applicant's Fig. 2 with Laubach's Fig. 1).

Regarding claims 28/20 and 28/27, the first section 10 is inherently deformable. See the term "flexible" in *Fredman v. Harris-Hub Co., Inc., supra*.

10. Applicant's arguments filed December 2, 2005 and November 3, 2005 have been fully considered but they are not persuasive.

Applicant contended:

Of the five patents, Laubach, Anson, Van Arsdel, and Berzer, among other things, disclose an element that engages the hand of the driver that is disposed outward or inward from the steering wheel rim in the plane across of the face of the steering wheel. As set forth in claims 20-28, the second section of the fatigue-relieving apparatus is disposed outward at an angle to the plane across the face of the steering. This distinguishes claims 20-28 from each of these references.



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It is well settled that the description of the article pictured can be relied on, in combination with the drawings, for what they would reasonably teach one of ordinary skill in art. See *In re Wright*, 569 F.2d 1124, 193 USPQ 332, 335 (CCPA 1977). Moreover, it is well settled that although patent drawings are not working drawings, this does not mean that things clearly shown in drawings of reference patent are to be disregarded in determining patentability of the claims. Simply put, things clearly shown in reference patent drawing qualify as prior art features, even though unexplained by the specification as long as they are not inconsistent with the specification. *In re Mraz*, 173 USPQ 25 (CCPA 1972).

In the instant case, the Examiner respectfully submits that Laubach, Anson, and Van Arsdell, among other things, disclose the element that engages the hand of the driver that is disposed outward or inward from the steering wheel rim in the plane across of the face of the steering wheel as seen by the angle  $\alpha$  in the Attachments 1-3.

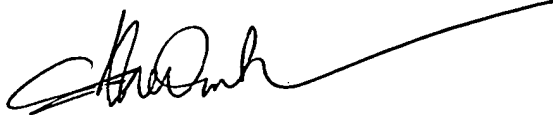
The rejections based on Shipley and Berzer are withdrawn in view of Applicant's amendments. Applicant's arguments regarding Shipley and Berzer are deemed to be moot.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong  
January 9, 2006



Vinh T. Luong  
Primary Examiner

# **ATTACHMENT 1**

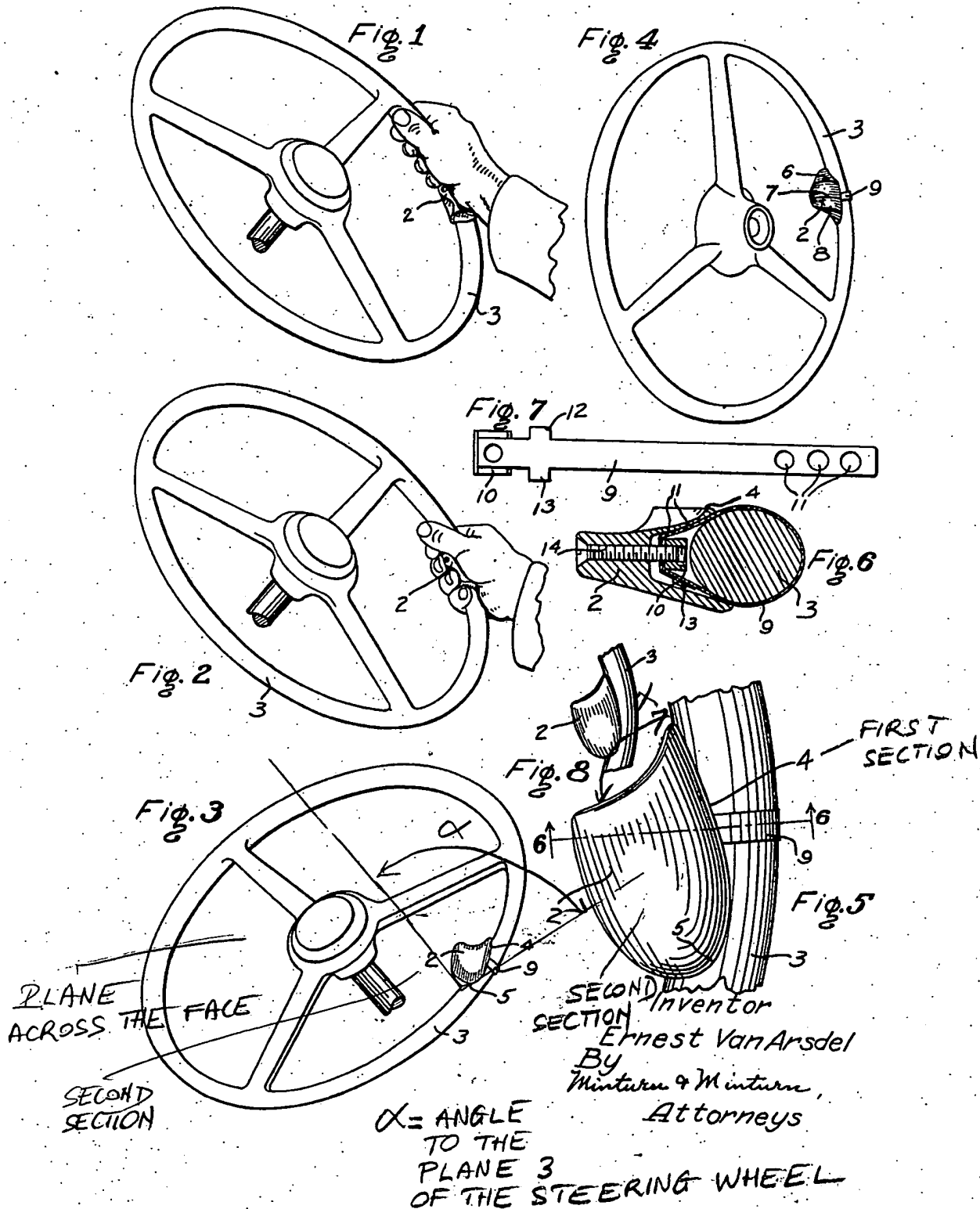
May 24, 1938.

E. VAN ARSDEL

2,118,540

AUTO STEERING WHEEL HANDGRIP

Filed May 10, 1937



# **ATTACHMENT 2**

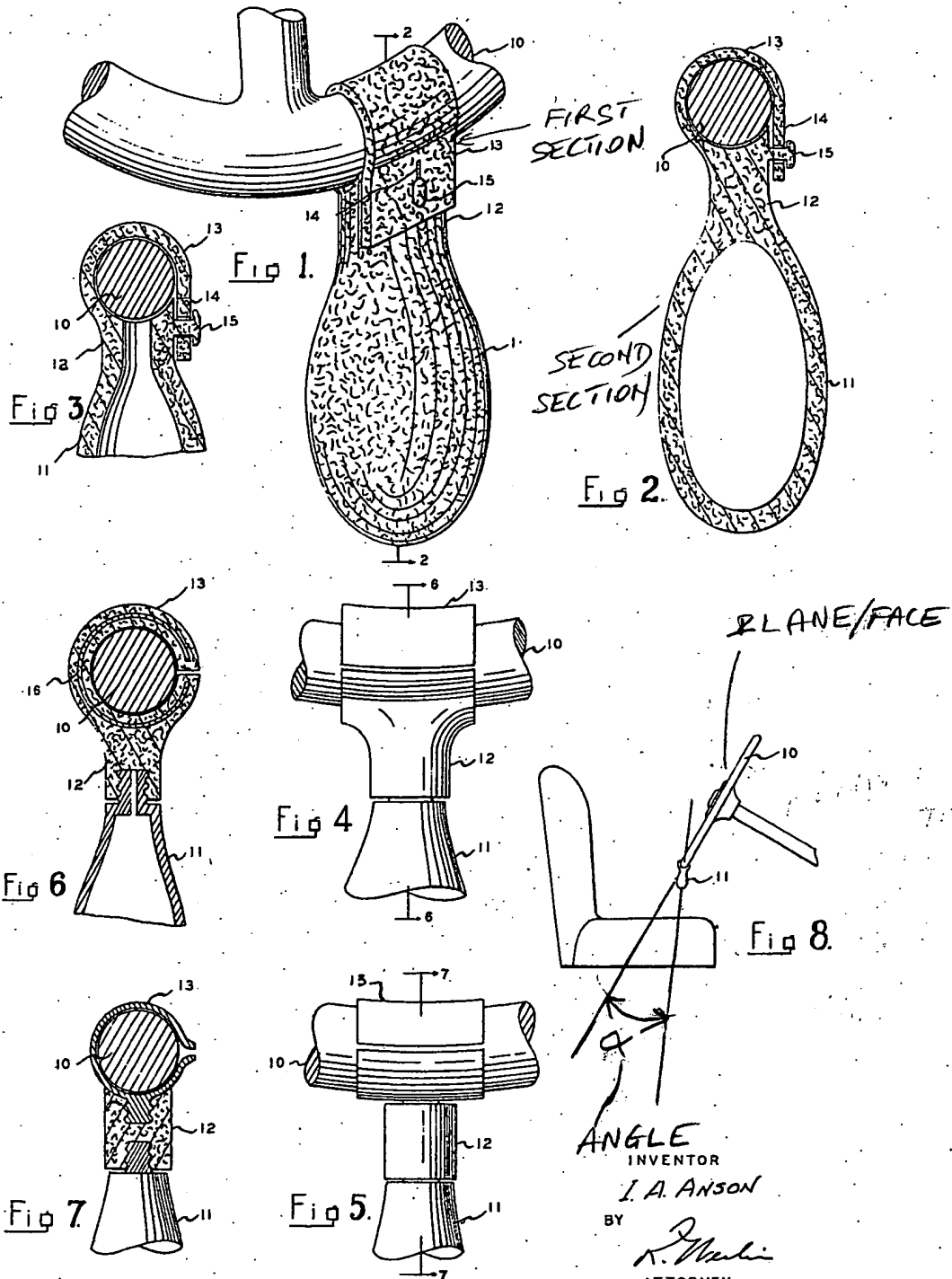
Oct. 25, 1938.

I. A. ANSON

2,134,020

STEERING WHEEL ATTACHMENT

Filed Sept. 30, 1937



# **ATTACHMENT 3**

March 9, 1926.

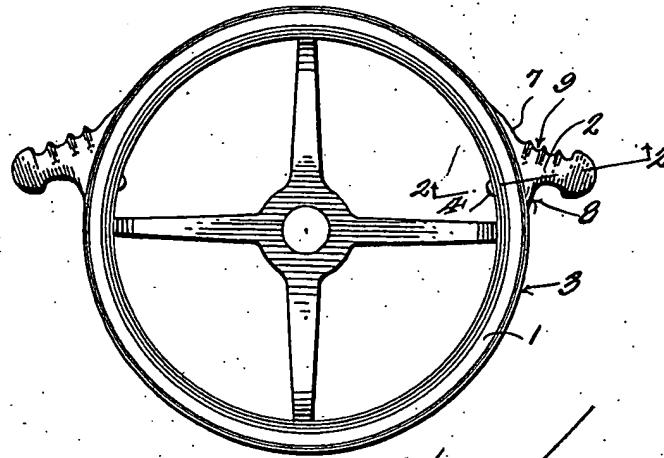
C. E. E. LAUBACH

1,575,848

STEERING WHEEL

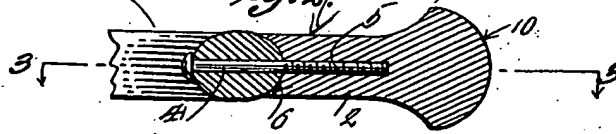
Filed July 13, 1925

*Fig. 1.*

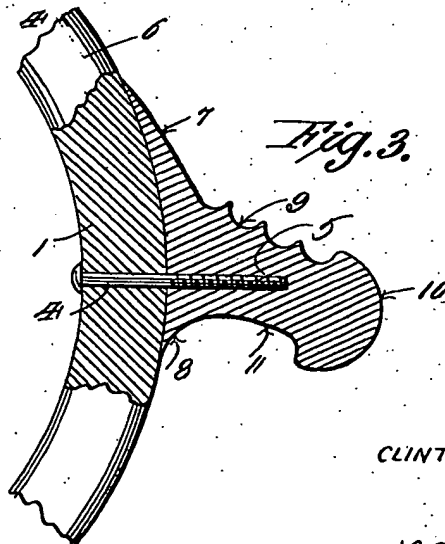


PLANE/FACE

*Fig. 2.*



*Fig. 3.*



WITNESSES

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